drought areas are in the tribal region. Sir, steps can be taken to collect that water and to feed to the ground water this will be of help at some later stage.

PROF C.P. THAKUR: Sir, actually, I agree with the hon. Member. He is a very renouned scientist. Even before I came to the Ministry, I knew that this area, the KBK area, is devoid of ground water. Ground water is available in those area. The only thing which is required to be done is that is should be utilised and some coordinated action plan should be taken up for those areas. So, there is no dearth of water in those areas. But I agree with you that the surplus water in the eastern sector of Orissa should be stored; we are actually giving that plan to store water all over the country; not only in Orissa, but all over the country. After this drought, we are going to do this.

SHRI N.K.P. SALVE: What are you going to do to collect them?

PROF. C.P. THAKUR: I have already replied that we are coming up with a plan to store the excess rain water all over the country so that it can be used to fight drought, increase cultivation and make water available in the country as a whole.

*604. *[The questioner* (SHRI C.M. IBRAHIM) was absent, for answer, *vide* Page. 28 *Infra]*

Deferring of Summer Vacation in Courts in Delhi to clear Backlog of Cases

605. SHRI SURYABHAN PATIL VAHADANE: Will the Minister of LAW, JUSTICE & COMPANY AFFAIRS be pleased to state:

(a) whether Government are aware of the news-item which appeared in the Hindustan Times dated the 18th April, 2000, captioned "Lawyers strike declared illegal" and "HC comes down heavily on lawyers, declares strike illegal"; as there had been the lawyers strike for at least six weeks;

(b) whether it is a fact that there is a heavy backlog of pending cases in High Courts and subordinate courts; and

(c) if so, whether there is any proposal under the consideration of

Government, at. least not to allow the summer vacations for this year?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): (a) Yes, Sir.

(b) The pendency of cases in High Courts is about 31 lakhs as per latest available information. The number of pending cases in the District/Subordinate Courts as on 31.12.1998 was approximately 2.04 crores.

(c) It is for the respective High Court to work out the vacation-period appropriately. At present, there is no such proposal under consideration of the Government.

श्री सूर्यभान पाटील वहाडणे : माननीय सभापति जी, 18 अप्रैल से पूरे देश में वकीलों की ओर से हड़ताल हुई थी और चल रही थी। 6-7 सप्ताह तकयह हड़ताल चली। इसी के कारण यह प्रश्न सामने आया है । लोकशाही के तीन प्रमुख स्तम्भ हैं – न्यायपालिका, कार्यपालिका और संसद । आज देखा जाए तो इन तीनों स्तम्भों में थोड़ी मात्रा में हलचल हो रही है। लोगों के मन में जो विश्वास, आदर, रिस्पेक्ट आदि था उसको धक्का पहुंचाने की परिस्थिति का निर्माण हुआ है। मंत्री महोदय, ने जो उत्तर दिया है उसमें उच्च न्यायालय में 31 लाख मामले हैं और अन्य न्यायालयों में 2 करोड़ 4 लाख । इसका मतलब है कि लोग न्याय के लिए वर्षों से तड़प रहे हैं। ऐसा इस उत्तर में से साफ दिखाई देता हैं। न्यायपालिका संसदीय लोकशाही का एक प्रमुख अंग है, हिस्सा है। लोकशाही के प्रति लोगों में विश्वास की नितांत आवश्यकता है । इसमें गुणात्मक परिवर्तन लाने के लिए खास तौर पर कुछ प्रयत्न होने की जरूरत है । लेकिन खेद की बात है कि ऐसा कोई परिवर्तन आज तो दिखाई देता नहीं है । इतना ही नहीं, न्यायालयों के बारे में लोगों में अनास्था व निराशा बढ़ती जा रही है। मेरा प्रश्न है कि पूरे देश में न्यायालयों में ये जो केसेज़ लंबित हैं, इन्हें देखते हुए न्यायापालिकाओं में सुधार लाने के लिए, विशेष कमीशन बिठा कर और समय की सीमा बांध कर, कोई विशेष ठोस प्रयास करने के लिए, केन्द्र सरकार क्या करने जा रही है ? साथ ही यह जो वकीलों की ओर से हड़ताल हुई है इस बारे में केन्द्र सरकार ने यानी मंत्री महोदय ने क्या ठोस प्रयास किया है, यह मैं जानना चाहता हूं ?

SHRI RAM JETHMALANI: First of all, Sir, I must express my complete agreement with the hon. Member that the legal system is in a very bad shape. But I wish to make it clear that I have inherited it; I have not created it. I am doing my best. Ever since I have taken over the charge of this Ministry, we have devised a number of measures that we want to take. We are encountering opposition at

every step. But, neverthless, I hope — and that is my public promise which I have made — to put this system right within the next two-and-a-half years.

SHRI PREM CHAND GUPTA: Sir, you had said two years earlier and now you have increased it to two-and-a-half years! *(Interruptions)*

SHRI RAM JETHMALANI: Sir, sometimes when I say two-and-a-half years, the newspapers report it as two years; and sometimes when I say three years, they report it as two-and-a-half years. *(Interruptions)* Anyway, I will accept whatever time limit you set.

So, Sir, we have taken a large number of measures. But I wish to take this hon. House into confidence that, ultimately, it is the problem of finding the requisite funds. Today, the 120th Law Commission report has said that for every judge that I have, I require five judges. Now, I have to find the requisite number of judges. I have to increase the quality of legal education. I have to have the infrastructure - the court rooms, the staff and so on. All this needs money. I am looking for funds and I hope that I will be able to persuade my colleagues to provide the necessary funds. I hope the hon. House will, after two years, if I am alive, congratulate me.

श्री सूर्यभान पाटील वहाडणे : माननीय सभापति जी, प्रश्न 'ग' के उत्तर में यह लिखा है कि छुट्टी की अवधि कितनी होनी चाहिए, इस बारे में इस समय ऐसा कोई प्रस्ताव विचाराधीन नहीं है। प्रस्ताव आया है या नहीं आया है, न्यायालय की ओर से छूट्टी कितनी लेनी चाहिए, या नहीं लेनी चाहिए, इसके ऊपर समझो अगर यह प्रश्न निर्भर हुआ तो लोगों को न्याय नहीं मिलेगा। इसलिए मेरा प्रश्न यह है कि 18 अप्रैल की न्यूज़ आइटम के अनुसार 6-7 सप्ताह तक जो वकीलों की हड़ताल चली थी और जो कुछ उनकी डिमांड थी, इसके बारे में क्या ठोस प्रयास हुए है ?

SHRI RAM JETHMALANI: Sir, every strike adds to the backlog. But the addition to the backlog is insignificant when compared with the Volume of backlog that already exists. Merely because this strike took place and to neutralise this small contribution towards the backlog, I do not wish to interfere with the autonomy and independence of the judiciary and curtail their holidays. It is a matter of judicial independence. We leave it always

to the judges to decide. They have self-regulatory mechanisms and the executive should not and will not interfere in this matter.

SHRI HANSRAJ BHARDWAJ: Mr. Chairman, Sir, the hon. Law Minister is an eloquent speaker. But I doubt whether he has looked into the work that has been done in the Ministry of Law during the last ten years. I am really pained when he says that he has inherited something bad. He must know that during the period from 1993 to 1996 and, perhaps, in 1997 also, there have been two joint conferences of Chief Justices, Chief Ministers and Law Ministers. The type of consensus resolutions which were passed have to be implemented. They cover almost twenty-thirty points on which even the Chief Justice of the High Court agreed but, unfortunately, you have not found time to implement them. You have been fighting with the judiciary as well as with the bar. Is that correct? Will you improve your own coordination with the judiciary and the members of the Bar?

SHRI RAM JETHMALANI: Sir, in returning the answer which I read, I had no intention of denying that the hon. Member, when he was the Law Minister, did try to improve the legal system but he did not succeed. I have read everything that the hon. Member has done. Some of the good points that I find on the records of the office, I am trying to pursue. My relations with the Judiciary are excellent. I am not trying to fight with any member of the judiciary, either specifically or generally. So far as the Bar is concerned, my relations with the Bar have always been cordial, subject to this unfortunate strike, which took place recently. I was right. The High Court of Delhi has vindicated me. It has pronounced that the strike was illegal, immoral, unprofessional, breach of contract, breach of trust and contempt of court.

SHRI GOPALSINH G. SOLANKI: Sir, my supplementary is with regard to part (b) of the question. It is the most worrisome aspect, so far as the pendency of cases is concerned. Nobody has gone into the main reasons. Since the last many years, a disposal mania has been started, but judges are disposing of some particular cases or some number of cases. Therefore, the pendency has increased like anything. I would like to know what you are going to do on fresh appointments keeping in view the new cases, apart from the pending

cases as also with regard to amending the CrPC. The cases where chargesheets have already been filed in the courts of law should be disposed of within three months' time. Once a case starts, it should be disposed of immediately. No adjournments should be allowed. By that way, the burden on the lower courts will get reduced. At the same time, the High Courts also will have a reduction in the burden, so far as pendency is concerned. I would like to know from the hon. Minister whether the Government is thinking of amending the CrPC in order to speed up the trial of cases and reduce the burden.

SHRI RAM JETHMALANI: Some marginal, cosmetic, amendments in the CrPC have already been made and some are under Contemplation but, ultimately, the problem is not of amending the CrPC; the problem is of creating more courts presided over by judges who are not bogged down in the rules of procedure, who know how to use the procedure for the purpose of discovery of truth. In other words, we have to start with the legal education stage and see to it that we produce before the nation very competent and honest judges who will attend to their work as vigorously as they arc expected to.

SHRI KAPIL SIBAL: Mr. Chairman, Sir, there are two aspects of the hon. Minister's reply, which are not entirely satisfactory. The first is that the Minister says, he will be able to deal with the issue of backlog of cases within a period of two years. The Minister, I think, quite knows about it. The average number of judges serving per million population in India is just over 10. In the normal circumstances, the average number of judges serving a million people should not be less than 50. In fact, in the UK, it is one hundred. The basic problem is the number of judges, as he mentioned. But the administration of justice and creation of courts is in the hands of the State Governments. Now, he will have to devise a scheme to persuade the State Governments to raise the number of judges to the level of, at least, 50. If you have got a backlog of 2 crore cases, as of 31st December, 1999, in the trial courts, it is not going to be possible to deal with it. There is no point in giving this kind of an assurance to the House and to the people of this country when you are not, in fact, able to increase the number of judges, which you do not have. This is point number one.

With regard to the second point, the Minister says that he had been vindicated as far as the strike is concerned. On the contrary, the High Court has found that lawyers were treated like mad dogs on the street. It is because of the excesses of the Government that the lawyers were beaten black and blue and their limbs fractured. So, the vindication is that, in fact, the lawyers were not treated like human beings but like animals. The High Court has said and directed the Government, in fact, to suspend many more officers. Would the hon. Minister tell this House as to whether these directions of the High Court have been implemented or not within the stipulated timeframe?

SHRI RAM JETHMALANI: Sir, all the directions given by the Delhi High Court have been implemented in time. But when the Commission was appointed and the announcement was made that the Commission is in place, lawyers walked up to the Judge of the Supreme Court, the retired Judge of the Supreme Court, and told him, "You are a stooge and we have no confidence in you." I would suggest that the hon. Member should utilise his eloquence and influence, if any, with the members of the Bar and sec that the Commission works.

SHRI KAPIL SIBAL: Sir, again the hon. Minister is misleading the House. What happened was that Justice Kochar was appointed as a Commission. Unilaterally they changed Justice Kochar. In the case of the present Commission, his name was suggested on an earlier occasion and the Government assured that it was only a common name who would be accepted. His name was rejected earlier and unilaterally they appointed him again. So, he is again misleading the House.

SHRI RAM JETHMALANI: Sir, that is not correct. This question in any event relates to the Ministry of Home Affairs. ...*(Interruptions)*... I am qualified to do this job. ...*(Interruptions)*... But I will not ...*(Interruptions)*....

SHRI KAPIL SIBAL: Why did you bring it up? ...*(Interruptions)*... At least, you should state the correct facts. ...*(Interruptions)*... Sir, the first part of my question has not been answered. ...*(Interruptions)*...

SHRI RAM JETHMALANI: With regard to the first part of the question, he is very insistent that I should answer it. You have expressed your disagreement with what I have said with regard to the first part. I am aware and this is not a new wisdom which you are giving. It is the 120th Law Commission Report which has said that every judge requires five judges. What is this new thing that you are telling *me ?...(Interruptions)...*

SHRIMATI JAYAPRADA NAHATA: Sir, justice delayed is justice denied. We are aware that there are cases which have been pending in the courts for more than four decades and these cases are being postponed due to cyclic adjournments. Sir this is a serious problem and it concerns each and every case. How can a person bring connected witnesses and documents in such old cases? Sir, we know that there are cases which have been pending in the courts since 1950. Our hon. President, Shri Narayanan, has also expressed his concern in this regard. Sir, in some cases it is impossible to bring witnesses because they have already gone to their eternal abode. As a result of all these things, the common man is not able to get justice in time. So, I would request the Minister, through you, Sir, that there should be a fixed time-limit for criminal and other cases which are pending in the lower courts and decades and decades should not pass in the disposal of these cases. I would like to know the thinking of the Government in this regard.

SHRI RAM JETHMALANI: Sir, I must say that the hon. Member's question is full of both wisdom and what shall I say, sweetness. We will carefully consider her suggestions. In fact, this is one of the suggestions which is under the consideration of the Government. But, Sir, to artificially prescribe a time limit also creates some problems because all the time a person who legislates in this branch of law has to worry about the other facets of the case. It is true that justice delayed is justice denied. But, there is another maxim, 'justice hurried is justice buried'. Now, we have to draw some balance between these two maxims. We have to find a *via* media. We cannot create so much hassling and hurry in the judicial system where the human rights are lost, cross-examination is lost and the right to examin the defence witnesses is gone. So,

this is a very delicate problem which is being considered by experts and the gracious lady will soon know that we are really seriously at it. SHRI S.R. BOMMAI: Sir, there has been a national debate and discussion on judicial activism. Sometimes, it is highly appreciated. It prevents injustice being done to the people. But, anyway, the question is going on whether a Judicial Commission is contemplated by the Government to regulate the relations between the Judiciary, the Legislature and the Executive in a balanced way so that they could conduct themselves properly?

SHRI RAM JETHMALANI: Sir, the constitution of a Judicial Commission with powers to appoint, transfer and remove judges and to lay down a code of conduct for judges is a part of the NDA's Manifesto. The Government has seriously to consider whether the implementation of this part of our Manifesto should be done after the Constitution Review Commission submits its report or shall we do it independent of it, is a decision which will soon be taken, and once that decision is taken, in one way or the other, I will be able to inform the hon. House as to where we stand.

SHRI PRANAB MUKHERJEE: Sir, the hon. Minister has eloquently stated that after two years, because of his performance, he deserves congratulations from this House. I am prepared to congratulate him right now if he gives me a simple assurance that, on the basis of the Report of the Standing Committee attached to his Ministry, he could quickly fill up the existing vacancies in the various High Court Benches. I am not talking of the district courts or other courts. One year before, the Parliamentary Standing Committee attached to his Ministry, made a recommendation that before the actual date of the vacancy occuring, adequate measures should be taken so that just on the day of vacancy occuring, a new judge can take his place. I am not talking of the subordinate judiciary. I am talking about the High Court. Therefore, can he fix a time-frame by which the vacancies in the High Court Benches would be filled up? In this connection — I know the time is running out — I submit that through another practice, my colleague, Mr. Bharadwaj, was in a position to reduce the pendency by bunching the cases. It was practised in the Supreme Court. That is why, bunching similar nature of cases and disposing them of by one judgment has reduced the

number of pending cases substantially. A large number of cases in various High Courts can be clubbed together — within the jurisdiction of the High Court itself — and can be disposed of, but the existing vacancies must be filled up. It takes months together.

The third point which I would like to know from the hon. Minister in this connection is this. Now, the higher judiciary has become a Plan subject, from the Eight Five-Year Plan and there is a Grant-in-aid formula. I find that a number of States are not fully utilising these resources. Will the hon. Minister assure that the Centrally-sponsored Plan Scheme on Judiciary, which is in operation from the 8th Five-Year Plan, could be expanded because some State Governments are asking for some additional assistance for that?

SHRI RAM JETHMALANI: Sir, I could not exactly find out whether the hon. Member is objecting to any part of my statement or he is objecting to my eloquence?

SHRI PRANAB MUKHERJEE: I am objecting to nothing.

SHRI RAM JETHMALANI: It is true that vacancies in the High Courts have not been filled up as expeditiously as we expected. But I wish to share the causes of this delay with both the hon. Member, and the House, in general. Sir the Supreme Court has laid down the procedure for filling up of vacancies. The process has to start at the State-level. The Chief Justice of a State has to concur, which means, he has to consult his brother-judges; then, the Governor and the Chief Minister are involved. They have to concur. This takes a lot of time. Then, the proposal comes to us. We then forward it to the Chief Justice of India. I must pay a compliment to the Chief Justice of India that there has not been any wastage of time, so far as the Supreme Court is concerned. But I want, now, to give two illustrations to this House. The first one is from Bengal and the second one is from Maharashtra. Sir, in Maharashtra, we recommended three brilliant young men, who, unfortunately, were not of the age of 45 years. Now, this has gone on for nearly two years and, ultimately, they were appointed, but the Chief Justice of the Maharashtra High Court refused to make any recommendation for filling up of the vacancies until the cases of those three persons were disposed of. Whether it is a reasonable attitude or an

unreasonable attitude I do not wish to get into the hornet's nest, but the fact remains that 16 to 20 vacancies could not be filled up because these three vacancies had not been filled up. Similarly, in Bengal, I find a problem. The problem is, the Governor has different views, the Chief Minister has different views, and the Chief Justice has different views. So, I received three sets of proposals and never a unanimous proposal. We do not know how to sort out some of these problems. What is worse is, in this procedure, at one stage, we have to call for an LB. report on every person who has to be promoted to the High Court Bench. These I.B. reports, I hope, in one of these days, I will persuade somebody to get rid of them. They take, at least, 30 to 45days. I do not know how to follow the entire procedure which the Supreme Court itself has laid down. We are doing our best to see that these procedures are simplified and the delay is avoided. So far as the vacancies in High Courts are concerned, I will take much less time to fill them, and I hope that, within next three months, no vacancies will be left anywhere.

MR CHAIRMAN: Question Hour is over.

WRITTEN ANSWERS TO STARRED QUESTIONS

Science City in Punjab

*601. SHRI SUKHDEV SINGH LIBRA:
SARDAR GURCHARAN SINGH TOHRA:

Will the Minister of CULTURE be pleased to state the status of setting up of a Science City in Punjab, as on date?

THE MINISTER OF CULTURE (SHRI ANANTH KUMAR): The Punjab Government formed a society named Pushpa Gujral Science City Society (PGSCS) on November 11, 1998. This Society entered into a Memorandum of Understanding (MoU) with National Council of Science Museums (NCSM), Calcutta, an autonomous organisation under the administrative control of the Department of Culture, on February 13, 1999, for setting up the project on a turnkey basis. The schedule attached to the MoU envisages completion within 36 months. So far, the Department of Culture released an amount of Rs. 7.00 crores. According to the information received from NCSM,